

SUE A. GALLAGHER, City Attorney (SBN 121469)  
ROBERT L. JACKSON, Assistant City Attorney (SBN 101770)  
City of Santa Rosa  
100 Santa Rosa Avenue, Room 8  
Santa Rosa, California 95404  
Telephone: (707) 543-3040  
Facsimile: (707) 543-3055

Attorneys for Defendants City of Santa Rosa; The Santa Rosa  
Police Department; The Chief of Police for the Santa Rosa  
Police Department, Hank Schreeder; Officer Nicholas Vlahandreas;  
Officer Jeffrey Badger; Officer Park McAllister

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA - Oakland Division**

ESTATE OF PABLO GARCIA TORIBIO;  
PABLO GARCIA SANTOS, individually,  
and as Successor in Interest to PABLO  
GARCIA TORIBIO; MARGARITA  
TORIBIO DOMINGUEZ, an individual,

Case No. C 18-2151 YGR

**UPDATED JOINT RULE 26 CASE  
MANAGEMENT STATEMENT**

Plaintiff,

v.

CITY OF SANTA ROSA; THE SANTA  
ROSA POLICE DEPARTMENT; THE  
CHIEF OF POLICE FOR THE SANTA  
ROSA POLICE DEPARTMENT, HANK  
SCHREEDER; OFFICER NICHOLAS  
VLAHANDREAS; OFFICER JEFFREY  
BADGER; OFFICER PARK MCALLISTER  
and DOES 1 through 10, inclusive,

Date: December 3, 2018  
Time: 2:00 p.m.  
Ctmm: Ctmm. 1, 4<sup>th</sup> Floor - Oakland  
Judge: Yvonne Gonzalez Rogers

Defendants.

The parties to the above-entitled action submit this updated JOINT RULE 26 CASE  
MANAGEMENT STATEMENT pursuant to the Court's order.

**A. ADR**

The parties participated in an Early Neutral Evaluation before Randolph W. Hall on August  
29, 2018. Plaintiffs wish to engage in private mediation prior to expert disclosure now set for  
January 15; it is the defendants' position that the parties already stipulated to the ENE as the ADR  
option in this case and do not see further ADR as necessary at this time.

1 **B. Discovery**

2 All parties exchanged Initial Disclosures.

3 **a. Defendants**

4 Defendants served and plaintiffs responded to written discovery including document  
5 demands, contention interrogatories and requests for admissions. Defendants completed the  
6 depositions of witnesses Ventura Hernandez, Maria Alguilera Montoya, and Augustin Salgado on  
7 September 13, 2018 in Santa Rosa and Iginio Garcia and Christina Garcia Toribio on November 8,  
8 2018 in Ventura.

9 The depositions of the plaintiff Pablo Garcia Santos and Margarita Toribio Dominguez have  
10 not yet been completed. A dispute has arisen regarding the location of the plaintiffs' deposition.  
11 Plaintiffs are of the position that, because travel would pose a hardship, the depositions should take  
12 place in Mexico. Defendants are of the position that the depositions should take place in Northern  
13 District where the lawsuit was filed.

14 Rather than litigate this dispute before the discovery magistrate now, counsel have agreed,  
15 with the Court's leave, to postpone those depositions until after the Court has ruled on defendants'  
16 motion for summary judgment. Should defendants prevail on their motion for summary judgment,  
17 the plaintiffs' depositions will obviously not be necessary. Should plaintiffs prevail on the motion  
18 for summary judgment, the depositions can go forward at a location to be agreed upon by the parties  
19 or directed by the court.

20 If this meets with the Court's approval, the parties request leave to conduct such depositions,  
21 should they be necessary, after the discovery cut off now set for December 31, 2018.

22 **b. Plaintiffs**

23 Plaintiffs intend to take the depositions of the defendant police officers and police  
24 chief on December 13 and 14, 2018, and the depositions of Detectives Jesse Henshaw and Joseph  
25 Horsman of the Sonoma County Sheriff's Office on December 19, 2018.

26 **c. Experts**

27 Expert disclosure is scheduled for January 15, 2019 with expert discovery to be  
28 completed by February 8, 2019.

1     **2.     Defendants' Motion for Summary Judgment**

2             Defendant requested, per the Court's standing orders, a pre-filing conference to request leave  
3 to file a motion for summary judgment. The Court has ordered that defendants may proceed without  
4 the necessity of such a conference. Under the Pre-Trial Scheduling Order, the last day for dispositive  
5 motions to be heard is March 19, 2019. Defendants anticipate filing their motion before December  
6 20 with a likely hearing in late January or early February.

7  
8     DATED: November 26, 2018

/s/ Sandra Romero  
           SANDRA R. ROMERO  
           Attorney for Plaintiffs

9  
10     DATED: November 26, 2018

/s/ Robert Jackson  
           ROBERT L. JACKSON  
           Attorney for Defendants